

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

PWC

Mailed: November 22, 2002

Opposition No. **91-112,850**  
**91,112,851**

VIACOM INTERNATIONAL INC.

v.

MINATAUR PRODUCTIONS, INC.,  
joined as party defendant by  
assignment from MINOTAUR  
PROMOTIONS ENTERPRISES, INC.<sup>1</sup>

**Peter Cataldo, Interlocutory Attorney**

The parties' stipulation (filed September 13, 2002) to consolidate the above referenced proceedings is hereby granted as well taken.

When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. See Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which may be caused

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<sup>1</sup> Evidence thereof is recorded with the Assignment Branch of this Office at Reel 2320, Frame 0185.

thereby. *See, for example, Wright & Miller, Federal Practice and Procedure: Civil* §2383 (1971), and *Lever Brothers Co. v. Shaklee Corp.*, 214 USPQ 654 (TTAB 1982). Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. *See, for example, Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993), and *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991).

Inasmuch as the parties to the instant proceedings are identical and the issues are substantially the same, Opposition Nos. 112,850 and 112,851 are hereby consolidated.

The consolidated cases may be presented on the same record and briefs. *See Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993) and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. 112,850 as the "parent" case. As a general rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear both proceeding numbers in its caption. Exceptions to the general rule involve stipulated extensions of the discovery and trial

dates, and briefs on the case. See Trademark Rules 2.121(d) and 2.128.

Despite being consolidated, each proceeding retains its separate character and requires entry of a separate judgment. See Wright & Miller, *Federal Practice and Procedure, supra*. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings; a copy of the decision shall be placed in each proceeding file.

Applicant is allowed until **thirty days** from the mailing date of this order in which to serve its answer to the notice of opposition in Opposition No. 112,850.

Trial dates are reset as indicated below.

Discovery period to close: January 31, 2003

Testimony period for party in  
position of plaintiff to close: May 1, 2003  
(opening thirty days prior thereto)

Testimony period for party in  
position of defendant to close: June 30, 2003  
(opening thirty days prior thereto)

Rebuttal testimony period to close: August 14, 2003  
(opening fifteen days prior thereto)

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.